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MINISTRY OF HOME AFFAIRS

NOTIFICATION

*New Delhi, the 20th June, 1951.*

**S.R.O. 925.**—The following Proclamation by the President is published for general information :—

### PROCLAMATION

WHEREAS I, Rajendra Prasad, President of India, have received a report from the Governor of the State of Punjab and am satisfied that a situation has arisen in which the Government of that State cannot be carried on in accordance with the provisions of the Constitution of India (hereinafter referred to as "the Constitution");

NOW, therefore, in exercise of the powers conferred by article 356 of the Constitution and of all other powers enabling me in that behalf, I hereby—

- (a) assume to myself as President of India all functions of the Government of the said State and all powers vested in or exercisable by the Governor of that State;
- (b) declare that the powers of the Legislature of the said State shall be exercisable by or under the authority of Parliament; and
- (c) make the following incidental and consequential provisions which appear to me to be necessary or

desirable for giving effect to the objects of this Proclamation, namely:—

- (i) in the exercise of the functions and powers assumed to himself by virtue of clause (a) of this Proclamation, it shall be lawful for the President to act to such extent as he thinks fit through the Governor of the said State;
- (ii) the operation of the following provisions of the Constitution in relation to that State is hereby suspended, namely:—

so much of clause (2) of article 151 as relates to the laying of the reports before the Legislature of the State, articles 163 and 164, clauses (3) and (4) of article 166, articles 167 and 169, articles 174 to 186 (both inclusive), clause (3) of article 187 so far as it requires consultation with the Speaker of the Legislative Assembly, articles 188 and 189, articles 193 to 198 (both inclusive), articles 200 and 201, so much of clause (3) of article 202 as relates to salaries and allowances of the Speaker and the Deputy Speaker of the Legislative Assembly, articles 208 to 212 (both inclusive), the proviso to clause (1) and the proviso to clause (3) of article 213, so much of clause (2) of article 323 as relates to the laying of the report with a memorandum before the Legislature of the State, article 382, article 384, and paragraphs 6 and 8 of the second Schedule;

- (iii) while this Proclamation is in force, it shall, notwithstanding anything in any law relating to elections, be unnecessary for an election to be held for the purpose of filling any casual vacancy in the Legislative Assembly of the State;
- (iv) any reference in the Constitution to the Governor shall in relation to the said State be construed as a reference to the President, and any reference therein to the Legislature or Legislative Assembly of the State shall, in so far as it relates to the functions and powers thereof, be construed as a reference to Parliament, and in particular, the references in article 213 to the Governor and to the Legislature or Legislative Assembly of the

State shall be construed as references to the President and to Parliament respectively:

Provided that nothing herein shall affect the provisions of article 153, articles 155 to 159 (both inclusive), article 200 and paragraphs 1 to 4 (both inclusive) of the Second Schedule, or prevent the President from acting under sub-clause (i) of this clause to such extent as he thinks fit through the Governor of the said State;

- (v) any reference in the Constitution to Acts or laws of, or made by, the Legislature of the State shall be construed as including a reference to Acts or laws made, in exercise of the powers of the Legislature of the State, by Parliament by virtue of this Proclamation, or by the President or other authority referred to in sub-clause (a) of clause (1) of article 357 of the Constitution, and the Punjab General Clauses Act, 1898 (Punjab Act I of 1898) and so much of the General Clauses Act, 1897 (X of 1897), as applies to State laws, shall have effect in relation to any such Act or law as if it were an Act of the Legislature of the State.

[No. 60/2/51-Public.]

RAJENDRA PRASAD,

*President.*

NEW DELHI;

The 20th June, 1951.

H. V. R. IENGAR,

*Secretary.*

